

Appl. No.: 10/708,996  
Amdt. Dated: 12/20/2005  
Reply to Office action of: 10/13/2005

**AMENDMENTS TO THE DRAWINGS:**

No amendments to the Figures are being presented here with.

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### REMARKS/ARGUMENTS

There have been no amendments to the specification or drawings included with this response.

Claims 1 – 16 remain in this application. Claims 1, 5, 9, and 13 have been amended to describe the limits more clearly of Applicant's claimed invention. Support for this amendment may be found, for example, in original Claims 1 – 16.

No new matter has been introduced by these amendments.

Claims 1 – 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Eschelbach et al. 6,234,553. Specifically, the Examiner states:

Eschelbach et al show a split folding seat assembly comprising a pair of seats (22) comprising a pair of seat cushion frames being movably mounted by their front edges to a pair of legs (42), the pair of seat cushion frames having rear edges movably mounted to a corresponding pair of seat back frames by a pair of seat folding links. A seat cushion lies on top of the seat cushion frame. Two pair of seat legs having one end of each of the two pair of seat legs are mounted to the front edge of each of the seat cushion frames and the other end of each of the two pair of seat legs are moveably mounted to a floor. Each of the seat back frames has a head restraint mounting member and a seat back cushion.

With claims 2, 6, 10, and 14, one of the seat back frames has an additional head restraint support member.

With claims 3, 7, 11, and 15, a storage compartment is provided.

With claims 4, 8, 12, and 16, the seat assembly is mounted on a vehicle floor.

Applicant respectfully traverses this rejection. The key to Applicants' invention is a folding split seat assembly which allows for the easy rising and lowering of one or both of the split seats where the seat folds downward and forward so that the folding front legs and the seat cushion and seat back may be lowered into the foot well of a vehicle's floor pan thus eliminating the need for special floor pan wells to receive same. Additionally, Applicant's claimed invention provides for an additional head restraint support allowing the mounting of more than one head restraint on a single seat back, and an assembly configuration with provision for under seat storage compartments. Particularly not

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required, utilized, or optional in Applicant's claimed invention are the critical elements of the Eschelbach et al. reference, namely a floor well specifically for receiving the folding legs and vehicle sidewall track assemblies for guiding the movement of the seat backs. There is nothing in the Eschelbach et al. reference which discloses, teaches or suggests to one skilled in the art how to eliminate the critical elements of the reference, namely the special floor well or the sidewall track assemblies to arrive at Applicant's claimed invention. Furthermore, in light of the fact that Applicant's claimed invention specifically is limited to a folding split seat assembly not having such special floor well and sidewall track assemblies there is clearly no way one skilled in the art can arrive at Applicant's invention from the Eschelbach et al. reference without first having read Applicant's application.

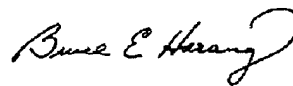
A fair reading of Eschelbach et al. discloses a folding seat that comprising the following critical elements; a seat cushion and a seat back with associated frame members (see for example Col. 1, lines 52 – 63) where the seat cushion is mounted on hinged legs (see for example Col. 2, lines 50 – 58) and the seat back is mounted to the seat cushion (see for example, Col. 2, lines 40 – 49) and at least one vehicle sidewall by means of a track assembly to direct the travel of the seat back during opening and closing operations (see for example, Col. 2, line 66 through Col. 3, line 24). The folding seat folds backward and downward and requires a dedicated well in the vehicle floor to receive the hinged legs when the seat is in a completely folded (closed or cargo carrying) position (see for example, Col. 3, lines 29 – 36). There is no track assembly mounted on the vehicle floor to allow the seat to move forward and downward (see for example Figures 1 – 5). The reference does not disclose, teach, or suggest an additional head restraint support allowing for more than one head restraint mounted on a single seat back, nor provide the ability to mount storage compartments under the seat cushion. Applicant's claimed invention does not require at least one sidewall mounted track assembly for each seat nor does it require a special well for receiving the folding legs. Thus, Applicant's invention eliminates at least two critical elements of the Eschelbach et al. reference. Further, Applicant's claimed invention provides for embodiments regarding additional head restraints and storage compartments the reference does not disclose, teach, nor suggest.

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Clearly, when viewed in this light the Eschelbach et al. reference does not disclose, teach, or suggest the rear fold down cargo seat with tilt down cushion of Applicants' present invention eliminating the critical Eschelbach et al. reference elements of a floor well and side wall tracks.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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